

March 19, 2014

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 twelfth Street, S.W.
Washington D.C. 20554

Re: *In the Matter of Preserving the Open Internet, GN Docket No. 14-28*

Dear Ms. Dortch:

On March 18, 2014, the undersigned, counsel for Cogent Communications Group, Inc. (“Cogent”), met with several members of the Commission’s staff. I was joined by Cogent’s Founder and Chief Executive Officer, Dave Schaeffer, Cogent’s Chief Legal Officer, Bob Beury, and my partner, Jim Denvir. The Commission staff in attendance included: Tim Brennan, Chief Economist; Jonathan Chambers, Chief of the Office of Strategic Planning & Policy Analysis; Henning Schulzrinne, Chief Technology Officer; Thomas Spavins, Assistant Chief-Economics, Enforcement Bureau; Julie Veach, Chief of the Wireline Competition Bureau; and Stephanie Weiner, Office of the General Counsel.

During the meeting, Mr. Schaeffer provided an overview of Cogent’s business and explained the role that settlement-free peering among the major networks that, collectively, comprise the global Internet has played in the Internet’s extraordinary growth. Mr. Schaeffer also described how increasing consumer demand for bandwidth-intensive Internet applications, such as streaming video, has led to congestion at various interconnection points between Internet backbones and certain broadband Internet service providers (“ISPs”). He emphasized that the capital expenditures required to remedy congestion at interconnection points are extremely modest. In light of this, Mr. Schaeffer observed that the unwillingness of particular ISPs to augment their interconnections with Internet backbones is attributable either to their desire to limit the competitive vitality of Internet content that competes with vertically integrated services they offer (e.g., video or voice) and/or the divergence between the capacity and functionality of their own networks as compared to what they marketed and sold to their own customers.

As consumer demand for Internet bandwidth continues to grow, customers of those broadband ISPs that are unwilling to augment their interconnection with other networks so as to relieve congestion will, as Mr. Schaeffer explained, be left with an unpalatable choice of congested service, usage caps and/or increased prices. While some large edge providers may be able to pay a toll to create a way around such congestion, smaller firms will not, thereby driving consumers to use better performing, vertically integrated content and stifling the investment and innovation that has been the hallmark of the Internet since its inception.

For these reasons, Cogent strongly supports reclassification that would permit the Commission to exercise its authority under Title II of the Communications Act to regulate broadband ISPs as common carriers.

Please direct any questions regarding this matter to my attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'R. Cooper', with a long horizontal flourish extending to the right.

Robert M. Cooper

cc: Tim Brennan
Jonathan Chambers
Henning Schulzrinne
Thomas Spavins
Julie Veach
Stephanie Weiner